IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 23RD JANUARY 2007 / 3RD MAGHA 1928

Bail Appl..No. 256 of 2007(S)

Crime No.321/06 of Thrithala Police Station

: PETITIONER/ACCUSED NO.1.

SUDHAN, VILAKKUKANDATHIL HOUSE,
KALLADATHOOR POST, KUMARANALLOOR,
OTTAPPALAM TALUK, PALAKKAD DISTRICT.

BY ADV. SRI.VIJU ABRAHAM
SRI.JOY C. PAUL
SRI.BENOY K.KADAVAN

RESPONDENT: COMPLAINANT.

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI. P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 23/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.Ramkumar, J.

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B.A.No. 256 of 2007

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Dated this the 23rd day of January, 2007.

ORDER

Petitioner, who is the first accused in Crime No.321 of 2006 of Thrithala Police Station for offences punishable under Sections 498A and 306 read with Section 34 I.P.C., seeks anticipatory bail.

2. The learned Public Prosecutor opposed the application.

3. The case of the prosecution is that unable to bear the physical and mental torture committed by the petitioner and others on the wife of the petitioner – Preetha on 30.11.2006, Preetha along with her two children Krishnapriya and Akshay committed suicide by jumping into the river.

4. It is too early to accept the petitioner's contention that he is not guilty of the offence alleged. At any rate, anticipatory bail cannot be granted in a case of this nature. There is no reason why the petitioner should not surrender before the Investigating Officer for interrogation and then have his bail application considered by the Magistrate concerned. Accordingly, the petitioner shall surrender before the Investigating officer on any day between 24.1.2007 and

27.1.2007 for the purpose of custodial interrogation and recovery of incriminating material, if any. The petitioner shall thereafter be produced before the Magistrate on the same day. The Magistrate shall consider and dispose of the application, if any, filed by the petitioner for regular bail, preferably on the same date on which it is filed.

With this direction, this application is disposed of.

V.Ramkumar,
Judge.

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